

AMENDED IN ASSEMBLY MAY 23, 2003

AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 79

**Introduced by Committee on Judiciary (Senators Escutia
(Chair), Ackerman, Cedillo, Ducheny, Kuehl, Morrow, and Sher)**

January 22, 2003

An act to amend Sections 73c, 73d, 90, 116.250, 16.310, 196, 208, 431.30, and 575.1 of the Code of Civil Procedure, to amend Section 16603 of the Election Code, to amend Section 1811 of the Family Code, to amend ~~Sections~~ *Section* 17647 of the Financial Code, to amend Section 12157 of the Fish and Game Code, to amend Section 21856 of the Food and Agricultural Code, to amend Sections 20437, 24151, 24250.1, 40230, 68079, 68100, 68108, 68620, 69841, 71601, and 71622 of, to repeal Sections 68112, 68112.5, 68114, 68114.5, 68114.6, 68114.9, 69595.5, 69741, 69742, 69743, 69744, 69744.5, 69745, 69745.5, 69746, 69746.5, 69747, 69748, 69748.1, 69749, 69749.2, 69749.3, 69749.4, 69751.5, 69752, 69891, 69893, 69894.2, 69902.5, 71081, 73648, and 74748 of, to repeal Article 6 (commencing with Section 69790) of Chapter 5 of, Article 9 (commencing with Section 71340) of Chapter 6 of, and Article 36 (commencing with Section 74920) of Chapter 10 of, ~~Division 8 of~~, to repeal and add Section 69740 of, and to repeal and add Article 4 (commencing with Section 69640) of Chapter 5 of, *Title 8 of*, the Government Code, to amend Section 4042 of the Harbors and Navigation Code, to amend Sections 825, 830.1, 853.6a, 896, 900, 904, 908, 908.1, 908.2, 1269b, and 3075 of, and to repeal Section 903 of, the Penal Code, to amend Section 7814 of the Public Utilities Code, to amend Section 30865 of the Streets and Highways Code, to amend Sections 1816, 13105, 13352, 13352.3,

13355, 23520, 23521, and 40502 of the Vehicle Code, and to amend ~~Section~~ Sections 258 and 654.1 of, and to repeal Section 247 of, the Welfare and Institutions Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 79, as amended, Committee on Judiciary. Court administration.

(1) The California Constitution provides for the abolition of municipal courts and their unification within the superior courts, as specified.

This bill would conform various statutory provisions of law to the abolition of municipal courts and their unification within the superior courts. The bill would also make related statutory changes to various provisions regarding the Public Employees' Retirement Law, trial court employment and unpaid furlough days, peace officers, and county boards of parole commissioners.

(2) Existing law provides that sessions of the small claims court may be scheduled in public buildings within the county, including places outside the courthouse. Existing law also provides for the traveling expenses of the jury commissioner and his or her assistants to be audited, allowed, and paid out of the general fund of the county.

This bill would delete those provisions. The bill would also repeal various provisions relating to trial court coordination plans, trial court sessions, the employment of judicial secretaries, stenographers, other judicial officers, and juvenile court referees, and enact new provisions governing superior courts in Los Angeles County.

(3) Existing law contains various references to traffic hearing officer and juvenile traffic hearing officer.

This bill would change those terms to juvenile hearing officer. The bill would additionally change the term Building and Loan Commissioner to Commissioner of Financial Institutions in provisions dealing with court matters.

(4) Existing law requires the county clerk to perform specified duties for the selection of grand jurors.

This bill would transfer those duties to the jury commissioner. ~~By requiring new duties of jury commissioners, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that~~

reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 73c of the Code of Civil Procedure is
2 amended to read:
3 73c. Notwithstanding anything to the contrary contained in
4 any other law of this state, the judges of the superior court of the
5 county in which is located the principal office in this state of any
6 savings and loan association of whose business, property and
7 assets possession shall have been taken by the Commissioner of
8 Financial Institutions, may, in their discretion, whenever those
9 judges deem it necessary or advisable, hold hearings relating to the
10 sale, exchange or other disposition of any parcel of real property
11 or any item of personal property of ~~such~~ *the* association, regardless
12 of the location of the property, at the county seat of any county in
13 this state or at the places in the county in which the principal office
14 in this state of the association is located at which sessions of the
15 superior court are held.
16 SEC. 2. Section 73d of the Code of Civil Procedure is
17 amended to read:
18 73d. Whenever, under ~~the provisions of Section 73c of this~~
19 ~~code~~ *Section 73c*, it becomes necessary for a judge, clerk, deputy
20 clerk, court reporter or bailiff of or sitting in the superior court of
21 the county in this state in which is located the principal office of
22 any savings and loan association whose business, property and
23 assets are in the possession of the Commissioner of Financial
24 Institutions, to travel to another county, there temporarily to attend
25 hearings relating to the sale, exchange or other disposition of real
26 or personal property of the association, each judge, clerk, deputy
27 clerk, court reporter or bailiff shall be allowed the necessary

1 expenses in going to, returning from and attending upon the
2 business of the court. The expenses shall, upon order of the court,
3 be a charge against the funds of the association and paid out of
4 those funds by the Commissioner of Financial Institutions.

5 SEC. 3. Section 90 of the Code of Civil Procedure is amended
6 to read:

7 90. Except where changed by the provisions of this article, all
8 provisions of law applicable to civil actions generally apply to
9 actions subject to this article.

10 SEC. 4. Section 116.250 of the Code of Civil Procedure is
11 amended to read:

12 116.250. (a) Sessions of the small claims court may be
13 scheduled at any time and on any day, including Saturdays, but
14 excluding other judicial holidays.

15 (b) Each small claims division of a superior court with seven
16 or more judicial officers shall conduct at least one night session or
17 Saturday session each month for the purpose of hearing small
18 claims cases other than small claims appeals. The term “session”
19 includes, but is not limited to, a proceeding conducted by a
20 member of the State Bar acting as a mediator or referee.

21 SEC. 5. Section 116.310 of the Code of Civil Procedure is
22 amended to read:

23 116.310. (a) No formal pleading, other than the claim
24 described in Section 116.320 or 116.360, is necessary to initiate a
25 small claims action.

26 (b) The pretrial discovery procedures described in subdivision
27 (a) of Section 2019 are not permitted in small claims actions.

28 SEC. 6. Section 196 of the Code of Civil Procedure is
29 amended to read:

30 196. (a) The jury commissioner or the court shall inquire as
31 to the qualifications of persons on the master list or source list who
32 are or may be summoned for jury service. The commissioner or the
33 court may require any person to answer, under oath, orally or in
34 written form, all questions as may be addressed to that person,
35 regarding the person’s qualifications and ability to serve as a
36 prospective trial juror. The commissioner and his or her assistants;
37 shall have power to administer oaths and shall be allowed actual
38 traveling expenses incurred in the performance of their duties.

39 (b) Response to the jury commissioner or the court concerning
40 an inquiry or summons may be made by any person having

1 knowledge that the prospective juror is unable to respond to such
2 inquiry or summons.

3 (c) Any person who fails to respond to jury commissioner or
4 court inquiry as instructed, may be summoned to appear before the
5 jury commissioner or the court to answer ~~such~~ *the* inquiry, or may
6 be deemed to be qualified for jury service in the absence of a
7 response to the inquiry. Any information thus acquired by the court
8 or jury commissioner shall be noted in jury commissioner or court
9 records.

10 SEC. 7. Section 208 of the Code of Civil Procedure is
11 amended to read:

12 208. The jury commissioner shall estimate the number of
13 prospective jurors that may be required to serve the needs of
14 the court, and shall summon prospective jurors for service.
15 Prospective jurors shall be summoned by mailing a summons by
16 first-class mail or by personal service or, in urgency situations, as
17 elsewhere provided by law. The summons, when served by mail,
18 shall be mailed at least 10 days prior to the date of required
19 appearance. Once a prospective juror has been summoned, the
20 date, time, or place of appearance may be modified or further
21 specified by the jury commissioner, by means of written,
22 telegraphic, telephonic, or direct oral communication with the
23 prospective juror.

24 SEC. 8. Section 431.30 of the Code of Civil Procedure is
25 amended to read:

26 431.30. (a) As used in this section:

27 (1) “Complaint” includes a cross-complaint.

28 (2) “Defendant” includes a person filing an answer to a
29 cross-complaint.

30 (b) The answer to a complaint shall contain:

31 (1) The general or specific denial of the material allegations of
32 the complaint controverted by the defendant.

33 (2) A statement of any new matter constituting a defense.

34 (c) Affirmative relief may not be claimed in the answer.

35 (d) If the complaint is subject to Article 2 (commencing with
36 Section 90) of Chapter 5.1 of Title 1 of Part 1 or is not verified, a
37 general denial is sufficient but only puts in issue the material
38 allegations of the complaint. If the complaint is verified, unless the
39 complaint is subject to Article 2 (commencing with Section 90) of
40 Chapter 5.1 of Title 1 of Part 1, the denial of the allegations shall

1 be made positively or according to the information and belief of
2 the defendant. However, if the cause of action is a claim assigned
3 to a third party for collection and the complaint is verified, the
4 denial of the allegations shall be made positively or according to
5 the information and belief of the defendant, even if the complaint
6 is subject to Article 2 (commencing with Section 90) of Chapter
7 5.1 of Title 1 of Part 1.

8 (e) If the defendant has no information or belief upon the
9 subject sufficient to enable him or her to answer an allegation of
10 the complaint, he or she may so state in his or her answer and place
11 his or her denial on that ground.

12 (f) The denials of the allegations controverted may be stated by
13 reference to specific paragraphs or parts of the complaint; or by
14 express admission of certain allegations of the complaint with a
15 general denial of all of the allegations not so admitted; or by denial
16 of certain allegations upon information and belief, or for lack of
17 sufficient information or belief, with a general denial of all
18 allegations not so denied or expressly admitted.

19 (g) The defenses shall be separately stated, and the several
20 defenses shall refer to the causes of action which they are intended
21 to answer, in a manner by which they may be intelligibly
22 distinguished.

23 SEC. 9. Section 575.1 of the Code of Civil Procedure is
24 amended to read:

25 575.1. (a) The presiding judge of each superior court may
26 prepare, with the assistance of appropriate committees of the
27 court, proposed local rules designed to expedite and facilitate the
28 business of the court. The rules need not be limited to those actions
29 on the civil active list, but may provide for the supervision and
30 judicial management of actions from the date they are filed. Rules
31 prepared pursuant to this section shall be submitted for
32 consideration to the judges of the court and, upon approval by a
33 majority of the judges, the judges shall have the proposed rules
34 published and submitted to the local bar and others, as specified by
35 the Judicial Council, for consideration and recommendations.

36 (b) After a majority of the judges have officially adopted the
37 rules, they shall be filed with the Judicial Council as required by
38 Section 68071 of the Government Code and as specified in rules
39 adopted by the Judicial Council. The Judicial Council shall
40 prescribe rules to ensure that a complete current set of local rules



1 and amendments, for each county in the state, is made available for
2 public examination in each county. The local rules shall also be
3 published for general distribution in accordance with rules
4 adopted by the Judicial Council. Each court shall make its local
5 rules available for inspection and copying in every location of the
6 court that generally accepts filing of papers. The court may impose
7 a reasonable charge for copying the rules and may impose a
8 reasonable page limit on copying. The rules shall be accompanied
9 by a notice indicating where a full set of the rules may be
10 purchased.

11 (c) If a judge of a court adopts a rule that applies solely to cases
12 in that judge's courtroom, or a particular branch or district of a
13 court adopts a rule that applies solely to cases in that particular
14 branch or district of a court, the court shall publish these rules as
15 part of the general publication of rules required by the California
16 Rules of Court. The court shall organize the rules so that rules on
17 a common subject, whether individual, branch, district, or
18 courtwide appear sequentially. Individual judges' rules and branch
19 and district rules are local rules of court for purposes of this section
20 and for purposes of the adoption, publication, comment, and filing
21 requirements set forth in the Judicial Council rules applicable to
22 local court rules.

23 SEC. 10. Section 16603 of the Elections Code is amended to
24 read:

25 16603. The court shall continue in session to hear and
26 determine all issues arising in contested elections. After hearing
27 the proofs and allegations of the parties and within 10 days after
28 the submission thereof, the court shall file its findings of fact and
29 conclusions of law, and immediately thereafter shall pronounce
30 judgment in the premises, either confirming or annulling and
31 setting aside the election. The judgment shall be entered
32 immediately thereafter.

33 SEC. 11. Section 1811 of the Family Code is amended to read:

34 1811. The presiding judge of the superior court shall
35 annually, in the month of January, designate at least one judge to
36 hear all cases under this part.

37 SEC. 12. Section 17647 of the Financial Code is amended to
38 read:

39 17647. Regardless of any law of this state, the judges of the
40 superior court of the county in this state in which the principal

1 office of the licensee is located, ~~may~~ *may*, whenever the judges
2 deem it necessary or advisable, hold hearings relating to the sale,
3 exchange, or other disposition of any real property or any personal
4 property of the licensee regardless of the location of the property.
5 The hearings shall be held at the county seat of any county in this
6 state or at the places in the home county of the superior court at
7 which sessions are held.

8 SEC. 13. Section 12157 of the Fish and Game Code is
9 amended to read:

10 12157. (a) Except as provided in subdivision (b), the judge
11 before whom any person is tried for a violation of any provision
12 of this code, or regulation adopted pursuant thereto, may, upon the
13 conviction of the person tried, order the forfeiture of any device
14 or apparatus that is designed to be, or is capable of being, used to
15 take birds, mammals, fish, reptiles, or amphibia and that was used
16 in committing the offense charged.

17 (b) The judge shall, if the offense is punishable under Section
18 12008 of this code or under subdivision (c) of Section 597 of the
19 Penal Code, order the forfeiture of any device or apparatus that is
20 used in committing the offense, including, but not limited to, any
21 vehicle that is used or intended for use in delivering, importing, or
22 exporting any unlawfully taken, imported, or purchased species.

23 (c) (1) The judge may, for conviction of a violation of either
24 of the following offenses, order forfeiture of any device or
25 apparatus that is used in committing the offense, including, but not
26 limited to, any vehicle used or intended for use in committing the
27 offense:

28 (A) Section 2000 relating to deer, elk, antelope, feral pigs,
29 European wild boars, black bears, and brown or cinnamon bears.

30 (B) Any offense that involves the sale, purchase, or possession
31 of abalone for commercial purposes.

32 (2) In considering an order of forfeiture under this subdivision,
33 the court shall take into consideration the nature, circumstances,
34 extent, and gravity of the prohibited act committed, the degree of
35 culpability of the violator, the property proposed for forfeiture,
36 and other criminal or civil penalties imposed on the violator under
37 other provisions of law for that offense. The court shall impose
38 lesser forfeiture penalties under this subdivision for those acts that
39 have little significant effect upon natural resources or the property
40 of another and greater forfeiture penalties for those acts that may

1 cause serious injury to natural resources or the property of another,
2 as determined by the court. In determining whether or not to order
3 forfeiture of a vehicle, the court shall, in addition to any other
4 relevant factor, consider whether the defendant is the owner of the
5 vehicle and whether the owner of the vehicle had knowledge of the
6 violation.

7 (3) It is the intent of the Legislature that forfeiture not be
8 ordered pursuant to this subdivision for minor or inadvertent
9 violations of Section 2000, as determined by the court.

10 (d) Any device or apparatus ordered forfeited shall be sold,
11 used, or destroyed by the department.

12 (e) (1) The proceeds from all sales under this section, after
13 payment of any valid liens on the forfeited property, shall be paid
14 into the Fish and Game Preservation Fund.

15 (2) A lien in which the lienholder is a conspirator is not a valid
16 lien for purposes of this subdivision.

17 (f) The provisions in this section authorizing or requiring a
18 judge to order the forfeiture of a device or apparatus also apply to
19 the judge, referee, or juvenile hearing officer in a juvenile court
20 action brought under Section 258 of the Welfare and Institutions
21 Code.

22 (g) For purposes of this section, a plea of nolo contendere or no
23 contest, or forfeiture of bail, constitutes a conviction.

24 (h) Neither the disposition of the criminal action other than by
25 conviction nor the discretionary refusal of the judge to order
26 forfeiture upon conviction impairs the right of the department to
27 commence proceedings to order the forfeiture of fish nets or traps
28 pursuant to Section 8630.

29 SEC. 14. Section 21856 of the Food and Agricultural Code is
30 amended to read:

31 21856. (a) The judge before whom any person is tried for the
32 wrongful taking, possessing, killing, or slaughter of cattle without
33 the consent of the owner or the person lawfully in possession of
34 those cattle may, upon the conviction of the person tried, order the
35 forfeiture of any device or apparatus that is designed to be, or is
36 capable of being, used to commit the offense charged, and which
37 was used in committing the offense charged. "Device or
38 apparatus" includes, but is not limited to, any vehicle that is used
39 or intended for use in taking, possessing, harboring, or
40 transporting the cattle.

1 (b) Any device or apparatus ordered forfeited shall be sold,
2 used, or destroyed by the department.

3 (c) The provisions in this section authorizing a judge to order
4 the forfeiture of a device or apparatus are also applicable to the
5 judge, referee, or juvenile hearing officer in a juvenile court action
6 brought under Section 258 of the Welfare and Institutions Code.

7 (d) For purposes of this section, a plea of nolo contendere or no
8 contest, or forfeiture of bail, constitutes a conviction.

9 (e) Neither the disposition of the criminal action other than by
10 conviction nor the discretionary refusal of the judge to order
11 forfeiture upon conviction impairs the right of the department to
12 commence proceedings to order the forfeiture of property
13 pursuant to any other provision of law.

14 SEC. 15. Section 20437 of the Government Code is amended
15 to read:

16 20437. (a) “County peace officer” shall also include the
17 constable and each regularly employed deputy constable and the
18 marshal and each regularly employed deputy marshal who serves
19 the superior court. He or she shall receive credit for service as a
20 peace officer for any time he or she served as constable or deputy
21 constable of a township or justice court or marshal or deputy
22 marshal of a municipal court in the same county.

23 (b) The provisions of this section do not apply to the employees
24 of a contracting agency nor to the agency, unless and until the
25 contracting agency elects to be subject to this section by
26 amendment to its contract with the board, made as provided in
27 Section 20474, or by express provision in its contract with the
28 board.

29 (c) “County peace officer” does not include any officer or
30 employee who is a local sheriff, as defined in Section 20432.5.

31 SEC. 16. Section 24151 of the Government Code is amended
32 to read:

33 24151. Prior to the primary election immediately preceding
34 the election of county officers the judges of the superior court shall
35 prescribe the amount in which each member of the board of
36 supervisors shall execute an official bond, before entering upon
37 the discharge of the duties of the office.

38 SEC. 17. Section 24250.1 of the Government Code is
39 amended to read:

1 24250.1. Sheriffs shall also have offices in each city in which
2 they perform court-related services and a facility of the superior
3 court is located.

4 SEC. 18. Section 40230 of the Government Code is amended
5 to read:

6 40230. For the purpose of determining where county offices
7 shall be established, a city legislative body may establish the
8 population of the city pursuant to this article.

9 SEC. 19. Section 68079 of the Government Code is amended
10 to read:

11 68079. A court for which the necessary seal has not been
12 provided, or the judges of that court, shall provide it. The expense
13 shall be an item of court operations.

14 SEC. 20. Section 68100 of the Government Code is amended
15 to read:

16 68100. When the court is held at a place appointed, pursuant
17 to Section 68115, every person held to appear at the court shall
18 appear at the place so appointed.

19 SEC. 21. Section 68108 of the Government Code is amended
20 to read:

21 68108. (a) To the extent that a ~~Memorandum of~~
22 ~~Understanding~~ *memorandum of understanding* for trial court
23 employees designates certain days as unpaid furlough days for
24 employees assigned to regular positions in the superior court, the
25 court ~~shall~~ *may* not be in session on those days except as ordered
26 by the presiding judge. On these furlough days, if the court clerk's
27 office is not open to the public, each court shall permit documents
28 to be filed at a drop box pursuant to subdivision (b). If the court
29 is not in session on a furlough day, an appropriate judicial officer
30 shall be available to conduct arraignments and examinations as
31 required pursuant to Section 825 of the Penal Code, and to sign any
32 necessary documents on an emergency basis.

33 (b) A drop box shall provide for an automated, official time and
34 date stamping mechanism or other means of determining the actual
35 date on which a document was deposited in the drop box.

36 SEC. 22. Section 68112 of the Government Code is repealed.

37 SEC. 23. Section 68112.5 of the Government Code is
38 repealed.

39 SEC. 24. Section 68114 of the Government Code is repealed.

1 SEC. 25. Section 68114.5 of the Government Code is
2 repealed.

3 SEC. 26. Section 68114.6 of the Government Code is
4 repealed.

5 SEC. 27. Section 68114.9 of the Government Code is
6 repealed.

7 SEC. 28. Section 68620 of the Government Code is amended
8 to read:

9 68620. (a) Each superior court shall establish a delay
10 reduction program for limited civil cases in consultation with the
11 local bar that is consistent with the provisions of this article. In its
12 discretion, the Judicial Council may assist in the development of,
13 or may develop and adopt, any or all procedures, standards, or
14 policies for a delay reduction program for limited civil cases in
15 superior courts on a statewide basis which are consistent with the
16 provisions of the Trial Court Delay Reduction Act.

17 (b) Actions and proceedings subject to the provisions of
18 Chapter 5.5 (commencing with Section 116.110) of Title 1 of Part
19 1 of the Code of Civil Procedure or provisions of Chapter 4
20 (commencing with Section 1159) of Title 3 of Part 3 of the Code
21 of Civil Procedure ~~shall~~ may not be assigned to or governed by the
22 provisions of any delay reduction program established pursuant to
23 the section.

24 (c) It is the intent of the Legislature that the civil discovery in
25 actions and proceedings subject to a program established pursuant
26 to Article 2 (commencing with Section 90) of Chapter 5.1 of Title
27 1 of Part 1 of the Code of Civil Procedure shall be governed by the
28 times and procedures specified in that article. Civil discovery in
29 these actions and proceedings ~~shall not be~~ is not affected by the
30 provisions of any delay reduction program adopted pursuant to
31 this section.

32 SEC. 29. Section 69595.5 of the Government Code is
33 repealed.

34 SEC. 30. Article 4 (commencing with Section 69640) of
35 Chapter 5 of Title 8 of the Government Code is repealed.

36 SEC. 31. Article 4 (commencing with Section 69640) is
37 added to Chapter 5 of Title 8 of the Government Code, to read:

38



Article 4. Superior Court Districts in Los Angeles County

69640. (a) The superior court in Los Angeles County may by local rule establish superior court districts within which one or more sessions of the court shall be held.

(b) The superior court districts established by county ordinance and in effect as of January 1, 2003, shall continue to be recognized as the superior court districts until the court enacts a local rule as provided in subdivision (a).

SEC. 32. Section 69740 of the Government Code is repealed.

SEC. 33. Section 69740 is added to the Government Code, to read:

69740. (a) Notwithstanding any other provision of law, each trial court shall determine the number and location of sessions of the court necessary for the prompt disposition of the business before the court. In making this determination, the court shall consider, among other factors, the impact of this provision on court employees pursuant to Section 71634, the availability and adequacy of facilities for holding the court session at the specific location, the efficiency and cost of holding the session at the specific location, any applicable security issues, and the convenience to the parties and the public served by the court. Nothing in this section precludes a session from being held in a building other than a courthouse.

(b) In appropriate circumstances, upon agreement of the presiding judges of the courts, and in the discretion of the court, the location of a session may be outside the county, except that the consent of the parties shall be necessary to the holding of a criminal jury trial outside the county. The venue of a case for which session is held outside the county pursuant to this section shall be deemed to be the home county of the court in which the matter was filed. Nothing in this section shall provide a party with the right to seek a change of venue unless otherwise provided by statute. No party shall have any right to request the court to exercise its discretion under this section.

(c) The Judicial Council may adopt rules to address an appropriate mechanism for sharing of expenses and resources between the court holding the session and the court hosting the session.

SEC. 34. Section 69741 of the Government Code is repealed.

- 1 SEC. 35. Section 69742 of the Government Code is repealed.
2 SEC. 36. Section 69743 of the Government Code is repealed.
3 SEC. 37. Section 69744 of the Government Code is repealed.
4 SEC. 38. Section 69744.5 of the Government Code is
5 repealed.
6 SEC. 39. Section 69745 of the Government Code is repealed.
7 SEC. 40. Section 69745.5 of the Government Code is
8 repealed.
9 SEC. 41. Section 69746 of the Government Code is repealed.
10 SEC. 42. Section 69746.5 of the Government Code is
11 repealed.
12 SEC. 43. Section 69747 of the Government Code is repealed.
13 SEC. 44. Section 69748 of the Government Code is repealed.
14 SEC. 45. Section 69748.1 of the Government Code is
15 repealed.
16 SEC. 46. Section 69749 of the Government Code is repealed.
17 SEC. 47. Section 69749.2 of the Government Code is
18 repealed.
19 SEC. 48. Section 69749.3 of the Government Code is
20 repealed.
21 SEC. 49. Section 69749.4 of the Government Code is
22 repealed.
23 SEC. 50. Section 69751.5 of the Government Code is
24 repealed.
25 SEC. 51. Section 69752 of the Government Code is repealed.
26 SEC. 52. Article 6 (commencing with Section 69790) of
27 Chapter 5 of Title 8 of the Government Code is repealed.
28 SEC. 53. Section 69841 of the Government Code is amended
29 to read:
30 69841. The clerk of the superior court shall attend each
31 session of the superior court in the county and upon the judges of
32 the court in chambers when required.
33 SEC. 54. Section 69891 of the Government Code is repealed.
34 SEC. 55. Section 69893 of the Government Code is repealed.
35 SEC. 56. Section 69894.2 of the Government Code is
36 repealed.
37 SEC. 57. Section 69902.5 of the Government Code is
38 repealed.
39 SEC. 58. Section 71081 of the Government Code is repealed.



1 SEC. 59. Article 9 (commencing with Section 71340) of
2 Chapter 6 of Title 8 of the Government Code is repealed.

3 SEC. 60. Section 71601 of the Government Code is amended
4 to read:

5 71601. For purposes of this chapter, the following definitions
6 shall apply:

7 (a) “Appointment” means the offer to and acceptance by a
8 person of a position in the trial court in accordance with this
9 chapter and the trial court’s personnel policies, procedures, and
10 plans.

11 (b) “Employee organization” means any organization that
12 includes trial court employees and has as one of its primary
13 purposes representing those employees in their relations with the
14 trial court.

15 (c) “Hiring” means appointment as defined in subdivision (a).

16 (d) “Mediation” means effort by an impartial third party to
17 assist in reconciling a dispute regarding wages, hours, and other
18 terms and conditions of employment between representatives of
19 the trial court and the recognized employee organization or
20 recognized employee organizations through interpretation,
21 suggestion, and advice.

22 (e) “Meet and confer in good faith” means that a trial court or
23 representatives as it may designate, and representatives of
24 recognized employee organizations, shall have the mutual
25 obligation personally to meet and confer promptly upon request by
26 either party and continue for a reasonable period of time in order
27 to exchange freely information, opinions, and proposals, and to
28 endeavor to reach agreement on matters within the scope of
29 representation. The process should include adequate time for the
30 resolution of impasses where specific procedures for resolution
31 are contained in this chapter or in a local rule, or when the
32 procedures are utilized by mutual consent.

33 (f) “Personnel rules,” “personnel policies, procedures, and
34 plans,” and “rules and regulations” mean policies, procedures,
35 plans, rules, or regulations adopted by a trial court or its designee
36 pertaining to conditions of employment of trial court employees,
37 subject to meet and confer in good faith.

38 (g) “Promotion” means promotion within the trial court as
39 defined in the trial court’s personnel policies, procedures, and
40 plans, subject to meet and confer in good faith.

(h) “Recognized employee organization” means an employee organization that has been formally acknowledged to represent trial court employees by the county under Sections 3500 to 3510, inclusive, prior to the implementation date of this chapter, or by the trial court under Rules 2201 to 2210, inclusive, of the California Rules of Court, as those rules read on April 23, 1997, Sections 70210 to 70219, inclusive, or Article 3 (commencing with Section 71630) of this chapter.

(i) “Subordinate judicial officer” means an officer appointed to perform subordinate judicial duties as authorized by Section 22 of Article VI of the California Constitution, including, but not limited to, a court commissioner, probate commissioner, child support commissioner, referee, traffic trial commissioner, traffic referee, juvenile court referee, juvenile hearing officer, and temporary judge.

(j) “Transfer” means transfer within the trial court as defined in the trial court’s personnel policies, procedures, and plans, subject to meet and confer in good faith.

(k) “Trial court” means a superior court.

(l) “Trial court employee” means a person who is both of the following:

(1) Paid from the trial court’s budget, regardless of the funding source. For the purpose of this paragraph, “trial court’s budget” means funds from which the presiding judge of a trial court, or his or her designee, has authority to control, authorize, and direct expenditures, including, but not limited to, local revenues, all grant funds, and trial court operations funds.

(2) Subject to the trial court’s right to control the manner and means of his or her work because of the trial court’s authority to hire, supervise, discipline, and terminate employment. For purposes of this paragraph only, the “trial court” includes the judges of a trial court or their appointees who are vested with or delegated the authority to hire, supervise, discipline, and terminate.

(m) A person is a “trial court employee” ~~if and~~ only if both paragraphs (1) and (2) of subdivision (l) are true irrespective of job classification or whether the functions performed by that person are identified in Rule 810 of the California Rules of Court. The phrase “trial court employee” includes those subordinate judicial officers who satisfy paragraphs (1) and (2) of subdivision (l). The

1 phrase “trial court employee” does not include temporary
2 employees hired through agencies, jurors, individuals hired by the
3 trial court pursuant to an independent contractor agreement,
4 individuals for whom the county or trial court reports income to
5 the Internal Revenue Service on a Form 1099 and does not
6 withhold employment taxes, sheriffs, and judges whether elected
7 or appointed. Any temporary employee, whether hired through an
8 agency or not, ~~shall~~ *may* not be employed in the trial court for a
9 period exceeding 180 calendar days.

10 SEC. 61. Section 71622 of the Government Code is amended
11 to read:

12 71622. (a) Each trial court may establish and may appoint
13 any subordinate judicial officers that are deemed necessary for the
14 performance of subordinate judicial duties, as authorized by law
15 to be performed by subordinate judicial officers. However, the
16 number and type of subordinate judicial officers in a trial court
17 shall be subject to approval by the Judicial Council. Subordinate
18 judicial officers shall serve at the pleasure of the trial court.

19 (b) The appointment or termination of a subordinate judicial
20 officer shall be made by order of the presiding judge or another
21 judge or a committee to whom appointment or termination
22 authority is delegated by the court, entered in the minutes of the
23 court.

24 (c) The Judicial Council shall promulgate rules establishing the
25 minimum qualifications and training requirements for subordinate
26 judicial officers.

27 (d) The presiding judge of a superior court may cross-assign
28 one type of subordinate judicial officer to exercise all the powers
29 and perform all the duties authorized by law to be performed by
30 another type of subordinate judicial officer, but only if the person
31 cross-assigned satisfies the minimum qualifications and training
32 requirements for the new assignment established by the Judicial
33 Council pursuant to subdivision (c).

34 (e) The superior courts of two or more counties may appoint the
35 same person as court commissioner.

36 (f) As of the implementation date of this chapter, all persons
37 who were authorized to serve as subordinate judicial officers
38 pursuant to other provisions of law shall be authorized by this
39 section to serve as subordinate judicial officers at their existing

1 salary rate, which may be a percentage of the salary of a judicial
2 officer.

3 SEC. 62. Section 73648 of the Government Code is repealed.

4 SEC. 63. Section 74748 of the Government Code is repealed.

5 SEC. 64. Article 36 (commencing with Section 74920) of
6 Chapter 10 of Title 8 of the Government Code is repealed.

7 SEC. 65. Section 4042 of the Harbors and Navigation Code
8 is amended to read:

9 4042. (a) Each commissioner shall, within 20 days after
10 receiving notice of appointment, qualify by taking and subscribing
11 the constitutional oath of office, and by executing and filing with
12 the clerk of the county in which the commissioner is appointed, a
13 bond in a sum to be fixed by the board of supervisors, which bond,
14 when approved by the superior court of the county, shall be
15 recorded in the office of the county recorder, as other official
16 bonds are recorded, at any time subsequent to 20 days after the
17 appointment.

18 (b) The commissioners, or a majority of them having qualified,
19 shall meet at a convenient place in the county and organize by
20 electing a chairperson.

21 SEC. 66. Section 825 of the Penal Code is amended to read:

22 825. (a) (1) Except as provided in paragraph (2), the
23 defendant shall in all cases be taken before the magistrate without
24 unnecessary delay, and, in any event, within 48 hours after his or
25 her arrest, excluding Sundays and holidays.

26 (2) When the 48 hours prescribed by paragraph (1) expire at a
27 time when the court in which the magistrate is sitting is not in
28 session, that time shall be extended to include the duration of the
29 next court session on the judicial day immediately following. If the
30 48-hour period expires at a time when the court in which the
31 magistrate is sitting is in session, the arraignment may take place
32 at any time during that session. However, when the defendant's
33 arrest occurs on a Wednesday after the conclusion of the day's
34 court session, and if the Wednesday is not a court holiday, the
35 defendant shall be taken before the magistrate not later than the
36 following Friday, if the Friday is not a court holiday.

37 (b) After the arrest, any attorney at law entitled to practice in
38 the courts of record of California, may, at the request of the
39 prisoner or any relative of the prisoner, visit the prisoner. Any
40 officer having charge of the prisoner who willfully refuses or



1 neglects to allow that attorney to visit a prisoner is guilty of a
2 misdemeanor. Any officer having a prisoner in charge, who
3 refuses to allow the attorney to visit the prisoner when proper
4 application is made, shall forfeit and pay to the party aggrieved the
5 sum of five hundred dollars (\$500), to be recovered by action in
6 any court of competent jurisdiction.

7 SEC. 67. Section 830.1 of the Penal Code is amended to read:

8 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
9 employed in that capacity, of a county, any chief of police of a city
10 or chief, director, or chief executive officer of a consolidated
11 municipal public safety agency that performs police functions, any
12 police officer, employed in that capacity and appointed by the
13 chief of police or chief, director, or chief executive of a public
14 safety agency, of a city, any chief of police, or police officer of a
15 district, including police officers of the San Diego Unified Port
16 District Harbor Police, authorized by statute to maintain a police
17 department, any marshal or deputy marshal of a superior court or
18 county, any port warden or special officer of the Harbor
19 Department of the City of Los Angeles, or any inspector or
20 investigator employed in that capacity in the office of a district
21 attorney, is a peace officer. The authority of these peace officers
22 extends to any place in the state, as follows:

23 (1) As to any public offense committed or which there is
24 probable cause to believe has been committed within the political
25 subdivision that employs the peace officer or in which the peace
26 officer serves.

27 (2) Where the peace officer has the prior consent of the chief
28 of police or chief, director, or chief executive officer of a
29 consolidated municipal public safety agency, or person authorized
30 by him or her to give consent, if the place is within a city or of the
31 sheriff, or person authorized by him or her to give consent, if the
32 place is within a county.

33 (3) As to any public offense committed or which there is
34 probable cause to believe has been committed in the peace
35 officer's presence, and with respect to which there is immediate
36 danger to person or property, or of the escape of the perpetrator of
37 the offense.

38 (b) The Attorney General and special agents and investigators
39 of the Department of Justice are peace officers, and those assistant
40 chiefs, deputy chiefs, chiefs, deputy directors, and division

1 directors designated as peace officers by the Attorney General are
2 peace officers. The authority of these peace officers extends to any
3 place in the state where a public offense has been committed or
4 where there is probable cause to believe one has been committed.

5 (c) Any deputy sheriff of the County of Los Angeles, and any
6 deputy sheriff of the Counties of Kern, Humboldt, Imperial,
7 Mendocino, Plumas, Riverside, San Diego, Santa Barbara,
8 Siskiyou, Sonoma, Sutter, and Tehama who is employed to
9 perform duties exclusively or initially relating to custodial
10 assignments with responsibilities for maintaining the operations of
11 county custodial facilities, including the custody, care,
12 supervision, security, movement, and transportation of inmates, is
13 a peace officer whose authority extends to any place in the state
14 only while engaged in the performance of the duties of his or her
15 respective employment and for the purpose of carrying out the
16 primary function of employment relating to his or her custodial
17 assignments, or when performing other law enforcement duties
18 directed by his or her employing agency during a local state of
19 emergency.

20 SEC. 68. Section 853.6a of the Penal Code is amended to
21 read:

22 853.6a. (a) Except as provided in subdivision (b), if the
23 person arrested appears to be under the age of 18 years, and the
24 arrest is for a violation listed in Section 256 of the Welfare and
25 Institutions Code, other than an offense involving a firearm, the
26 notice under Section 853.6 shall instead provide that the person
27 shall appear before the juvenile court, a juvenile court referee, or
28 a juvenile hearing officer within the county in which the offense
29 charged is alleged to have been committed, and the officer shall
30 instead, as soon as practicable, file the duplicate notice with the
31 prosecuting attorney unless the prosecuting attorney directs the
32 officer to file the duplicate notice with the clerk of the juvenile
33 court, the juvenile court referee, or the juvenile hearing officer. If
34 the notice is filed with the prosecuting attorney, within 48 hours
35 before the date specified on the notice to appear, the prosecutor,
36 within his or her discretion, may initiate proceedings by filing the
37 notice or a formal petition with the clerk of the juvenile court, or
38 the juvenile court referee or juvenile hearing officer, before whom
39 the person is required to appear by the notice.



(b) A juvenile court may exercise the option of not requiring a mandatory appearance of the juvenile before the court for infractions contained in the Vehicle Code, except those related to drivers' licenses as specified in Division 6 (commencing with Section 12500), those related to financial responsibility as specified in Division 7 (commencing with Section 16000), *those related to speeding violations as specified in Division 11 (commencing with Section 21000) where in which the speed limit was violated by 15 or more miles per hour, and those involving the use or possession of alcoholic beverages as specified in Division 11.5 (commencing with Section ~~12500~~ 23500).*

(c) In counties where an Expedited Youth Accountability Program is operative, as established under Section 660.5 of the Welfare and Institutions Code, a peace officer may issue a citation and written promise to appear in juvenile court or record the minor's refusal to sign the promise to appear and serve notice to appear in juvenile court, according to the requirements and procedures provided in that section.

(d) This section may not be construed to limit the discretion of a peace officer or other person with the authority to enforce laws pertaining to juveniles to take the minor into custody pursuant to Article 15 (commencing with Section 625) of the Welfare and Institutions Code.

SEC. 69. Section 896 of the Penal Code is amended to read:

896. (a) Immediately after an order is made pursuant to Section 895, the court shall select the grand jurors required by personal interview for the purpose of ascertaining whether they possess the qualifications prescribed by subdivision (a) of Section 893. If a person so interviewed, in the opinion of the court, possesses the necessary qualifications, in order to be listed the person shall sign a statement declaring that the person will be available for jury service for the number of hours usually required of a member of the grand jury in that county.

(b) The selections shall be made of men and women who are not exempt from serving and who are suitable and competent to serve as grand jurors pursuant to Sections 893, 898, and 899. The court shall list the persons so selected and required by the order to serve as grand jurors during the ensuing fiscal year of the county, or until a new list of grand jurors is provided, and shall at once place this list in the possession of the jury commissioner.

1 SEC. 70. Section 900 of the Penal Code is amended to read:
2 900. On receiving the list of persons selected by the court, the
3 jury commissioner shall file it in the jury commissioner's office
4 and have the list, which shall include the name of the judge who
5 selected each person on the list, published one time in a newspaper
6 of general circulation, as defined in Section 6000 of the
7 Government Code, in the county. The jury commissioner shall
8 then do either of the following:

9 (a) Write down the names on the list onto separate pieces of
10 paper of the same size and appearance, fold each piece so as to
11 conceal the name, and deposit the pieces in a box to be called the
12 "grand jury box."

13 (b) Assign a number to each name on the list and place, in a box
14 to be called the "grand jury box," markers of the same size, shape,
15 and color, each containing a number which corresponds with a
16 number on the list.

17 SEC. 71. Section 903 of the Penal Code is repealed.

18 SEC. 72. Section 904 of the Penal Code is amended to read:

19 904. Every superior court, whenever in its opinion the public
20 interest so requires, shall make and file with the jury commissioner
21 an order directing a grand jury to be drawn. The order shall
22 designate the number of grand jurors to be drawn, which may not
23 be less than 29 ~~or~~ nor more than 40 in counties having a population
24 exceeding four million and not less than 25 nor more than 30 in
25 other counties.

26 SEC. 73. Section 908 of the Penal Code is amended to read:

27 908. If the required number of the persons summoned as
28 grand jurors are present and not excused, the required number shall
29 constitute the grand jury. If more than the required number of
30 persons are present, the jury commissioner shall write their names
31 on separate ballots, which the jury commissioner shall fold so that
32 the names cannot be seen, place them in a box, and draw out the
33 required number of them. The persons whose names are on the
34 ballots so drawn shall constitute the grand jury. If less than the
35 required number of persons are present, the panel may be filled as
36 provided in Section 211 of the Code of Civil Procedure. If more
37 of the persons summoned to complete a grand jury attend than are
38 required, the requisite number shall be obtained by writing the
39 names of those summoned and not excused on ballots, depositing
40 them in a box, and drawing as provided above.

SEC. 74. Section 908.1 of the Penal Code is amended to read:
 908.1. When, after the grand jury consisting of the required number of persons has been impaneled pursuant to law, the membership is reduced for any reason, vacancies within an existing grand jury may be filled, so as to maintain the full membership at the required number of persons, by the jury commissioner, in the presence of the court, drawing out sufficient names to fill the vacancies from the grand jury box, pursuant to law, or from a special venire as provided in Section 211 of the Code of Civil Procedure. A person selected as a grand juror to fill a vacancy pursuant to this section may not vote as a grand juror on any matter upon which evidence has been taken by the grand jury prior to the time of the person's selection.

SEC. 75. Section 908.2 of the Penal Code is amended to read:
 908.2. (a) Upon the decision of the superior court pursuant to Section 901 to adopt this method of selecting grand jurors, when the required number of persons have been impaneled as the grand jury pursuant to law, the jury commissioner shall write the names of each person on separate ballots. The jury commissioner shall fold the ballots so that the names cannot be seen, place them in a box, and draw out half of the ballots, or in a county where the number of grand jurors is uneven, one more than half. The persons whose names are on the ballots so drawn shall serve for 12 months until July 1 of the following year. The persons whose names are not on the ballots so drawn shall serve for six months until January 1 of the following year.

(b) Each subsequent year, on January 2 and July 2, a sufficient number of grand jurors shall be impaneled to replace those whose service concluded the previous day. Those persons impaneled on January 2, shall serve until January 1 of the following year. Those persons impaneled on July 2, shall serve until July 1 of the following year. A person may not serve on the grand jury for more than one year.

(c) The provisions of subdivisions (a) and (b) do not apply to the selection of grand jurors for an additional grand jury authorized pursuant to Section 904.6.

SEC. 76. Section 1269b of the Penal Code is amended to read:
 1269b. (a) The officer in charge of a jail ~~where~~ *in which* an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail

1 or is employed at a fixed police or sheriff's facility and is acting
2 under an agreement with the agency that keeps the jail ~~wherein~~ *in*
3 *which* an arrested person is held in custody, an employee of a
4 sheriff's department or police department of a city who is assigned
5 by the department to collect bail, the clerk of the superior court of
6 the county in which the offense was alleged to have been
7 committed, and the clerk of the superior court in which the case
8 against the defendant is pending may approve and accept bail in
9 the amount fixed by the warrant of arrest, schedule of bail, or order
10 admitting to bail in cash or surety bond executed by a certified,
11 admitted surety insurer as provided in the Insurance Code, to issue
12 and sign an order for the release of the arrested person, and to set
13 a time and place for the appearance of the arrested person before
14 the appropriate court and give notice thereof.

15 (b) If a defendant has appeared before a judge of the court on
16 the charge contained in the complaint, indictment, or information,
17 the bail shall be in the amount fixed by the judge at the time of the
18 ~~appearance; if appearance.~~ *If* that appearance has not been made,
19 the bail shall be in the amount fixed in the warrant of arrest or, if
20 no warrant of arrest has been issued, the amount of bail shall be
21 pursuant to the uniform countywide schedule of bail for the county
22 in which the defendant is required to appear, previously fixed and
23 approved as provided in subdivisions (c) and (d).

24 (c) It is the duty of the superior court judges in each county to
25 prepare, adopt, and annually revise a uniform countywide
26 schedule of bail for all bailable felony offenses and for all
27 misdemeanor and infraction offenses except Vehicle Code
28 infractions. The penalty schedule for infraction violations of the
29 Vehicle Code shall be established by the Judicial Council in
30 accordance with Section 40310 of the Vehicle Code.

31 (d) A court may, by local rule, prescribe the procedure by
32 which the uniform countywide schedule of bail is prepared,
33 adopted, and annually revised by the judges. If a court does not
34 adopt a local rule, the uniform countywide schedule of bail shall
35 be prepared, adopted, and annually revised by a majority of the
36 judges.

37 (e) In adopting a uniform countywide schedule of bail for all
38 bailable felony offenses the judges shall consider the seriousness
39 of the offense charged. In considering the seriousness of the
40 offense charged the judges shall assign an additional amount of

required bail for each aggravating or enhancing factor chargeable in the complaint, including, but not limited to, additional bail for charges alleging facts that would bring a person within any of the following sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9, 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 *of this code*, or Section 11356.5, 11370.2, or 11370.4 of the Health and Safety Code.

In considering offenses in which a violation of Chapter 6 (commencing with Section 11350) of Division 10 of the Health and Safety Code is alleged, the judge shall assign an additional amount of required bail for offenses involving large quantities of controlled substances.

(f) The countywide bail schedule shall contain a list of the offenses and the amounts of bail applicable for each as the judges determine to be appropriate. If the schedule does not list all offenses specifically, it shall contain a general clause for designated amounts of bail as the judges of the county determine to be appropriate for all the offenses not specifically listed in the schedule. A copy of the countywide bail schedule shall be sent to the officer in charge of the county jail, to the officer in charge of each city jail within the county, to each superior court judge and commissioner in the county, and to the Judicial Council.

(g) Upon posting bail, the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with an officer authorized to receive bail shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, the judge or clerk of the court shall transmit all of the money and surety bonds to the clerk of the court.

(h) If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his or her release from custody, Sections 1305 and 1306 apply.

SEC. 77. Section 3075 of the Penal Code is amended to read:

3075. (a) There is in each county a board of parole commissioners, consisting of each of the following:

(1) The sheriff, or his or her designee, or, in a county with a department of corrections, the director of that department.

1 (2) The probation officer, or his or her designee.

2 (3) A member, not a public official, to be selected from the
3 public by the presiding judge of the superior court.

4 (b) The public member of the county board of parole
5 commissioners or his or her alternate shall be entitled to his or her
6 actual traveling and other necessary expenses incurred in the
7 discharge of his or her duties. In addition, the public member or his
8 or her alternate shall be entitled to per diem at any rate that may
9 be provided by the board of supervisors. The public member or his
10 or her alternate shall hold office for a term of one year and in no
11 event for a period exceeding three consecutive years. The term
12 shall commence on the date of appointment.

13 SEC. 78. Section 7814 of the Public Utilities Code is amended
14 to read:

15 7814. Any corporation, or agent or employee thereof,
16 demanding or charging a greater sum of money for fare on the cars
17 of a street railroad than that fixed by law forfeits to the person from
18 whom the sum is received, or who is thus overcharged, the sum of
19 two hundred dollars (\$200), to be recovered in a civil action
20 against the corporation.

21 SEC. 79. Section 30865 of the Streets and Highways Code is
22 amended to read:

23 30865. If the estimate of the board is not agreed to by the
24 owner or keeper of the bridge or ferry, it shall be fixed by three
25 commissioners, one to be appointed by the board, one by the owner
26 and keeper, and the third by the presiding judge of the superior
27 court, who shall hear testimony and fix the value and cost
28 according to the facts, and report it to the board of supervisors
29 under oath. In all estimates of the fair cash value of the bridge or
30 ferry the value of the franchise shall not be taken into
31 consideration.

32 SEC. 80. Section 1816 of the Vehicle Code is amended to
33 read:

34 1816. Every judge of the juvenile court, juvenile hearing
35 officer, duly constituted referee of a juvenile court, or other person
36 responsible for the disposition of cases involving traffic offenses
37 required to be reported under Section 1803 committed by persons
38 under 18 years of age shall keep a full record of every case in which
39 a person is charged with such a violation, and shall report the
40 offense to the department at its office in Sacramento not more than

30 days after the date on which it was committed, and in no case less than 10 days after adjudication. The report required by this section shall be required for any determination that a minor committed the violation, including any determination that because of the act the minor is a person described in Section 601 or 602 of the Welfare and Institutions Code or that a program of supervision should be instituted for the minor. No report shall be made if it is found that the alleged offense was not committed.

The report required by this section shall be made upon a form furnished by the department and shall contain all necessary information as to the identity of the offender, the arresting agency, the date and nature of the offense, and the date the finding was made.

SEC. 81. Section 13105 of the Vehicle Code is amended to read:

13105. For the purposes of this chapter, “convicted” or “conviction” includes a finding by a judge of a juvenile court, a juvenile hearing officer, or referee of a juvenile court that a person has committed an offense, and “court” includes a juvenile court except as otherwise specifically provided.

SEC. 82. Section 13352 of the Vehicle Code is amended to read:

13352. (a) The department shall immediately suspend or revoke, or record the court-administered suspension or revocation of, the privilege of any person to operate a motor vehicle upon receipt of an abstract of the record of any court showing that the person has been convicted of a violation of Section 23152 or 23153 or subdivision (a) of Section 23109, or upon receipt of a report of a judge of the juvenile court, a juvenile hearing officer, or a referee of a juvenile court showing that the person has been found to have committed a violation of Section 23152 or 23153 or subdivision (a) of Section 23109. If any offense specified in this section occurs in a vehicle defined in Section 15210, the suspension or revocation specified below shall apply to the noncommercial driving privilege. The commercial driving privilege shall be disqualified as specified in Sections 15300 to 15302, inclusive. For the purposes of this section, suspension or revocation shall be as follows:

(1) Upon a conviction or finding of a violation of Section 23152 punishable under Section 23536, the privilege shall be

1 suspended for a period of six months. The privilege may not be
2 reinstated until the person gives proof of financial responsibility
3 and gives proof satisfactory to the department of successful
4 completion of a driving-under-the-influence program licensed
5 pursuant to Section 11836 of the Health and Safety Code described
6 in subdivision (b) of Section 23538.

7 Instead of suspending the person's driving privilege, the
8 department shall issue a restricted license upon receipt of an
9 abstract of record from the court certifying that the court has
10 granted probation to the person based on the conditions specified
11 in paragraph (2) of subdivision (a) of, and subdivision (b) of,
12 Section 23538.

13 (2) Upon a conviction or finding of a violation of Section
14 23153 punishable under Section 23554, the privilege shall be
15 suspended for a period of one year. The privilege may not be
16 reinstated until the person gives proof of financial responsibility
17 and gives proof satisfactory to the department of successful
18 completion of a driving-under-the-influence program licensed
19 pursuant to Section 11836 of the Health and Safety Code as
20 described in Section 23556.

21 (3) Except as provided in Section 13352.5, upon a conviction
22 or finding of a violation of Section 23152 punishable under
23 Section 23540, the privilege shall be suspended for two years. The
24 privilege may not be reinstated until the person gives proof of
25 financial responsibility and gives proof satisfactory to the
26 department of successful completion of a
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code as described in Section
29 23542. For the purposes of this paragraph, enrollment,
30 participation, and completion of an approved program shall be
31 subsequent to the date of the current violation. No credit shall be
32 given to any program activities completed prior to the date of the
33 current violation. The department shall advise the person that after
34 completion of 12 months of the suspension period, the person may
35 apply to the department for a restricted driver's license, subject to
36 the following conditions:

37 (A) The person has satisfactorily provided, subsequent to the
38 current underlying conviction, either of the following:



1 (i) Proof of enrollment in an 18-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code.

4 (ii) Proof of enrollment in a 30-month
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code, if available in the county of
7 the person's residence or employment.

8 (B) The person agrees, as a condition of the restriction, to
9 continue satisfactory participation in the program described in
10 subparagraph (A).

11 (C) The person submits the "Verification of Installation" form
12 described in paragraph (2) of subdivision (e) of Section 13386.

13 (D) The person agrees to maintain the ignition interlock device
14 as required under subdivision (g) of Section 23575.

15 (E) The person provides proof of financial responsibility, as
16 defined in Section 16430.

17 (F) The person pays all administrative fees or reissue fees and
18 any restriction fee required by the department.

19 (G) The restriction shall remain in effect for the period required
20 in subdivision (f) of Section 23575.

21 (4) Except as provided in this paragraph, upon a conviction or
22 finding of a violation of Section 23153 punishable under Section
23 23560, the privilege shall be revoked for a period of three years.
24 The privilege may not be reinstated until the person gives proof of
25 financial responsibility, and the person gives proof satisfactory to
26 the department of successful completion of a
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code as described in Section
29 23562. For the purposes of this paragraph, enrollment,
30 participation, and completion of an approved program shall be
31 subsequent to the date of the current violation. No credit shall be
32 given to any program activities completed prior to the date of the
33 current violation. The department shall advise the person that after
34 the completion of 18 months of the revocation period, the person
35 may apply to the department for a restricted driver's license,
36 subject to the following conditions:

37 (A) The person has satisfactorily completed, subsequent to the
38 current underlying conviction, either of the following:

39 (i) An 18-month driving-under-the-influence program
40 licensed pursuant to Section 11836 of the Health and Safety Code.

1 (ii) The initial 18 months of a 30-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code, if available in the county of
4 the person's residence or employment, and the person agrees, as
5 a condition of the restriction, to continue satisfactory participation
6 in that 30-month program.

7 (B) The person submits the "Verification of Installation" form
8 described in paragraph (2) of subdivision (e) of Section 13386.

9 (C) The person agrees to maintain the ignition interlock device
10 as required under subdivision (g) of Section 23575.

11 (D) The person provides proof of financial responsibility, as
12 defined in Section 16430.

13 (E) The person pays all applicable reinstatement or reissue fees
14 and any restriction fee required by the department.

15 (F) The restriction shall remain in effect for the period required
16 in subdivision (f) of Section 23575.

17 (5) Except as provided in this paragraph, upon a conviction or
18 finding of a violation of Section 23152 punishable under Section
19 23546, the privilege shall be revoked for a period of three years.
20 The privilege shall not be reinstated until the person files proof of
21 financial responsibility and gives proof satisfactory to the
22 department of successful completion of one of the following
23 programs: an 18-month driving-under-the-influence program
24 licensed pursuant to Section 11836 of the Health and Safety Code
25 or, if available in the county of the person's residence or
26 employment, a 30-month driving-under-the-influence program
27 licensed pursuant to Section 11836 of the Health and Safety Code,
28 or a program specified in Section 8001 of the Penal Code. For the
29 purposes of this paragraph, enrollment, participation, and
30 completion of an approved program shall be subsequent to the date
31 of the current violation. No credit shall be given to any program
32 activities completed prior to the date of the current violation. The
33 department shall advise the person that after completion of 18
34 months of the revocation period, the person may apply to the
35 department for a restricted driver's license, subject to the
36 following conditions:

37 (A) The person has satisfactorily completed, subsequent to the
38 current underlying conviction, either of the following:

39 (i) An 18-month driving-under-the-influence program
40 licensed pursuant to Section 11836 of the Health and Safety Code.

1 (ii) The initial 18 months of a 30-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code, if available in the county of
4 the person's residence or employment, and the person agrees, as
5 a condition of the restriction, to continue satisfactory participation
6 in the 30-month driving-under-the-influence program.

7 (B) The person submits the "Verification of Installation" form
8 described in paragraph (2) of subdivision (e) of Section 13386.

9 (C) The person agrees to maintain the ignition interlock device
10 as required under subdivision (g) of Section 23575.

11 (D) The person provides proof of financial responsibility, as
12 defined in Section 16430.

13 (E) Any individual convicted of a violation of Section 23152
14 punishable under Section 23546 may also, at any time after
15 sentencing, petition the court for referral to an 18-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code, or, if available in the county
18 of the person's residence or employment, a 30-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code. Unless good cause is shown,
21 the court shall order the referral.

22 (F) The person pays all applicable reinstatement or reissue fees
23 and any restriction fee required by the department.

24 (G) The restriction shall remain in effect for the period required
25 in subdivision (f) of Section 23575.

26 (6) Except as provided in this paragraph, upon a conviction or
27 finding of a violation of Section 23153 punishable under Section
28 23566, the privilege shall be revoked for a period of five years. The
29 privilege may not be reinstated until the person gives proof of
30 financial responsibility and proof satisfactory to the department of
31 successful completion of one of the following programs: an
32 18-month driving-under-the-influence program licensed pursuant
33 to Section 11836 of the Health and Safety Code, or, if available in
34 the county of the person's residence or employment, a 30-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, or a program specified in
37 Section 8001 of the Penal Code. For the purposes of this
38 paragraph, enrollment, participation, and completion of an
39 approved program shall be subsequent to the date of the current
40 violation. No credit shall be given to any program activities

1 completed prior to the date of the current violation. The
2 department shall advise the person that after the completion of 30
3 months of the revocation period, the person may apply to the
4 department for a restricted driver's license, subject to the
5 following conditions:

6 (A) The person has satisfactorily completed, subsequent to the
7 current underlying conviction, either of the following:

8 (i) The initial 18 months of a 30-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code, if available in the county of
11 the person's residence or employment, and the person agrees, as
12 a condition of the restriction, to continue satisfactory participation
13 in the 30-month driving-under-the-influence program.

14 (ii) An 18-month driving-under-the-influence program
15 licensed pursuant to Section 11836 of the Health and Safety Code,
16 if a 30-month program is unavailable in the person's county of
17 residence or employment.

18 (B) The person submits the "Verification of Installation" form
19 described in paragraph (2) of subdivision (e) of Section 13386.

20 (C) The person agrees to maintain the ignition interlock device
21 as required under subdivision (g) of Section 23575.

22 (D) The person provides proof of financial responsibility, as
23 defined in Section 16430.

24 (E) Any individual convicted of a violation of Section 23153
25 punishable under Section 23566 may also, at any time after
26 sentencing, petition the court for referral to an 18-month
27 driving-under-the-influence program or, if available in the county
28 of the person's residence or employment, a 30-month program
29 licensed pursuant to Section 11836 of the Health and Safety Code.
30 Unless good cause is shown, the court shall order the referral.

31 (F) The person pays all applicable reinstatement or reissue fees
32 and any restriction fee required by the department.

33 (G) The restriction shall remain in effect for the period required
34 in subdivision (f) of Section 23575.

35 (7) Except as provided in this paragraph, upon a conviction or
36 finding of a violation of Section 23152 punishable under Section
37 23550 or 23550.5, or Section 23153 punishable under Section
38 23550.5 the privilege shall be revoked for a period of four years.
39 The privilege may not be reinstated until the person gives proof of
40 financial responsibility and proof satisfactory to the department of

1 successful completion of one of the following programs: an
 2 18-month driving-under-the-influence program licensed pursuant
 3 to Section 11836 of the Health and Safety Code, or, if available in
 4 the county of the person's residence or employment, a 30-month
 5 driving-under-the-influence program licensed pursuant to Section
 6 11836 of the Health and Safety Code, or a program specified in
 7 Section 8001 of the Penal Code. For the purposes of this
 8 paragraph, enrollment, participation, and completion of an
 9 approved program shall be subsequent to the date of the current
 10 violation. No credit shall be given to any program activities
 11 completed prior to the date of the current violation. The
 12 department shall advise the person that after the completion of 24
 13 months of the revocation period, the person may apply to the
 14 department for a restricted driver's license, subject to the
 15 following conditions:

16 (A) The person has satisfactorily completed, subsequent to the
 17 current underlying conviction, either of the following:

18 (i) An 18-month driving-under-the-influence program
 19 licensed pursuant to Section 11836 of the Health and Safety Code.

20 (ii) The initial 18 months of a 30-month
 21 driving-under-the-influence program licensed pursuant to Section
 22 11836 of the Health and Safety Code, if available in the county of
 23 the person's residence or employment, and the person agrees, as
 24 a condition of the restriction, to continue satisfactory participation
 25 in the 30-month driving-under-the-influence program.

26 (B) The person submits the "Verification of Installation" form
 27 described in paragraph (2) of subdivision (e) of Section 13386.

28 (C) The person agrees to maintain the ignition interlock device
 29 as required under subdivision (g) of Section 23575.

30 (D) The person provides proof of financial responsibility, as
 31 defined in Section 16430.

32 (E) Any individual convicted of a violation of Section 23152
 33 punishable under Section 23550 may also, at any time after
 34 sentencing, petition the court for referral to an 18-month
 35 driving-under-the-influence program or, if available in the county
 36 of the person's residence or employment, a 30-month
 37 driving-under-the-influence program licensed pursuant to Section
 38 11836 of the Health and Safety Code. Unless good cause is shown,
 39 the court shall order the referral.

1 (F) The person pays all applicable reinstatement or reissue fees
2 and any restriction fee required by the department.

3 (G) The restriction shall remain in effect for the period required
4 in subdivision (f) of Section 23575.

5 (8) Upon a conviction or finding of a violation of subdivision
6 (a) of Section 23109 punishable under subdivision (e) of that
7 section, the privilege shall be suspended for a period of 90 days to
8 six months, if and as ordered by the court.

9 (9) Upon a conviction or finding of a violation of subdivision
10 (a) of Section 23109 punishable under subdivision (f) of that
11 section, the privilege shall be suspended for a period of six months,
12 if the court orders the department to suspend the privilege. The
13 privilege may not be reinstated until the person gives proof of
14 financial responsibility.

15 (b) For the purpose of paragraphs (2) to (9), inclusive, of
16 subdivision (a), the finding of the juvenile court judge, the juvenile
17 hearing officer, or the referee of a juvenile court of a commission
18 of a violation of Section 23152 or 23153 or subdivision (a) of
19 Section 23109, as specified in subdivision (a) of this section, is a
20 conviction.

21 (c) Each judge of a juvenile court, juvenile hearing officer, or
22 referee of a juvenile court shall immediately report the findings
23 specified in subdivision (a) to the department.

24 (d) A conviction of an offense in any state, territory, or
25 possession of the United States, the District of Columbia, the
26 Commonwealth of Puerto Rico, or Canada that, if committed in
27 this state, would be a violation of Section 23152, is a conviction
28 of Section 23152 for purposes of this section, and a conviction of
29 an offense that, if committed in this state, would be a violation of
30 Section 23153, is a conviction of Section 23153 for purposes of
31 this section. The department shall suspend or revoke the privilege
32 to operate a motor vehicle pursuant to this section upon receiving
33 notice of that conviction.

34 (e) For the purposes of the restriction conditions specified in
35 paragraphs (3) to (7), inclusive, of subdivision (a), the department
36 shall terminate the restriction imposed pursuant to this section and
37 shall suspend or revoke the person's driving privilege upon receipt
38 of notification from the program that the person has failed to
39 comply with the program requirements. The person's driving
40 privilege shall remain suspended or revoked for the remaining

1 period of the originating suspension or revocation and until all
2 reinstatement requirements described in this section are met.

3 (f) For purposes of this section, completion of a program is the
4 following:

5 (1) Satisfactory completion of all program requirements
6 approved pursuant to program licensure, as evidenced by a
7 certificate of completion issued, under penalty of perjury, by the
8 licensed program.

9 (2) Certification, under penalty of perjury, by the director of a
10 program specified in Section 8001 of the Penal Code, that the
11 person has completed a program specified in Section 8001 of the
12 Penal Code.

13 SEC. 83. Section 13352.3 of the Vehicle Code is amended to
14 read:

15 13352.3. (a) Notwithstanding any other provision of law,
16 except subdivisions (b), (c), and (d) of Section 13352 and Sections
17 13367 and 23521, the department immediately shall revoke the
18 privilege of any person to operate a motor vehicle upon receipt of
19 a duly certified abstract of the record of any court showing that the
20 person was convicted of a violation of Section 23152 or 23153
21 while under 18 years of age, or upon receipt of a report of a judge
22 of the juvenile court, a juvenile hearing officer, or a referee of a
23 juvenile court showing that the person has been found to have
24 committed a violation of Section 23152 or 23153.

25 (b) The term of the revocation shall be until the person reaches
26 18 years of age, for one year, or for the period prescribed for
27 restriction, suspension, or revocation specified in subdivision (a)
28 of Section 13352, whichever is longer. The privilege may not be
29 reinstated until the person gives proof of financial responsibility
30 as defined in Section 16430.

31 SEC. 84. Section 13355 of the Vehicle Code is amended to
32 read:

33 13355. The department shall immediately suspend the
34 privilege of any person to operate a motor vehicle upon receipt of
35 a duly certified abstract of the record of any court showing that the
36 person has been convicted of a violation of subdivision (b) of
37 Section 22348, or upon a receipt of a report of a judge of a juvenile
38 court, a juvenile hearing officer, or a referee of a juvenile court
39 showing that the person has been found to have committed a

1 violation of subdivision (b) of Section 22348 under the following
2 conditions and for the periods, as follows:

3 (a) Upon a conviction or finding of an offense under
4 subdivision (b) of Section 22348 ~~which~~ *that* occurred within three
5 years of a prior offense resulting in a conviction of an offense
6 under subdivision (b) of Section 22348, the privilege shall be
7 suspended for a period of six months, or the privilege shall be
8 restricted for six months to necessary travel to and from the
9 person's place of employment and, if driving a motor vehicle is
10 necessary to perform the duties of the person's employment,
11 restricted to driving within the person's scope of employment.

12 (b) Upon a conviction or finding of an offense under
13 subdivision (b) of Section 22348 ~~which~~ *that* occurred within five
14 years of two or more prior offenses resulting in convictions of
15 offenses under subdivision (b) of Section 22348, the privilege
16 shall be suspended for a period of one year, or the privilege shall
17 be restricted for one year to necessary travel to and from the
18 person's place of employment and, if driving a motor vehicle is
19 necessary to perform the duties of the person's employment,
20 restricted to driving within the person's scope of employment.

21 SEC. 85. Section 23520 of the Vehicle Code is amended to
22 read:

23 23520. (a) Whenever, in any county specified in subdivision
24 (b), a judge of a juvenile court, a juvenile hearing officer, or referee
25 of a juvenile court finds that a person has committed a first
26 violation of Section 23152 or 23153, the person shall be required
27 to participate in and successfully complete an alcohol or drug
28 education program, or both of those programs, as designated by the
29 court. The expense of the person's attendance in the program shall
30 be paid by the person's parents or guardian so long as the person
31 is under the age of 18 years, and shall be paid by the person
32 thereafter. However, in approving the program, each county shall
33 require the program to provide for the payment of the fee for the
34 program in installments by any person who cannot afford to pay
35 the full fee at the commencement of the program and shall require
36 the program to provide for the waiver of the fee for any person who
37 is indigent, as determined by criteria for indigency established by
38 the board of supervisors. Whenever it can be done without
39 substantial additional cost, each county shall require that the
40 program be provided for juveniles at a separate location from, or

1 at a different time of day than, alcohol and drug education
2 programs for adults.

3 (b) This section applies only in those counties that have one or
4 more alcohol or drug education programs certified by the county
5 alcohol program administrator and approved by the board of
6 supervisors.

7 SEC. 86. Section 23521 of the Vehicle Code is amended to
8 read:

9 23521. Any finding of a juvenile court judge, juvenile hearing
10 officer, or referee of a juvenile court of a commission of an offense
11 in any state, territory, possession of the United States, the District
12 of Columbia, the Commonwealth of Puerto Rico, or the Dominion
13 of Canada which, if committed in this state, would be a violation
14 of Section 23152, is a conviction of a violation of Section 23152
15 for the purposes of Sections 13352, 13352.3, and 13352.5, and the
16 finding of a juvenile court judge, juvenile hearing officer, or
17 referee of a juvenile court of a commission of an offense which,
18 if committed in this state, would be a violation of Section 23153
19 is a conviction of a violation of Section 23153 for the purposes of
20 Sections 13352 and 13352.3.

21 SEC. 87. Section 40502 of the Vehicle Code is amended to
22 read:

23 40502. The place specified in the notice to appear shall be any
24 of the following:

25 (a) Before a magistrate within the county in which the offense
26 charged is alleged to have been committed and who has
27 jurisdiction of the offense and is nearest or most accessible with
28 reference to the place where the arrest is made.

29 (b) Upon demand of the person arrested, before a judge or other
30 magistrate having jurisdiction of the offense at the county seat of
31 the county in which the offense is alleged to have been committed.
32 This subdivision applies only if the person arrested resides, or the
33 person's principal place of employment is located, closer to the
34 county seat than to the magistrate nearest or most accessible to the
35 place where the arrest is made.

36 (c) Before a person authorized to receive a deposit of bail.

37 The clerk and deputy clerks of the superior court are persons
38 authorized to receive bail in accordance with a schedule of bail
39 approved by the judges of that court.

(d) Before the juvenile court, a juvenile court referee, or a juvenile hearing officer within the county in which the offense charged is alleged to have been committed, if the person arrested appears to be under the age of 18 years. The juvenile court shall by order designate the proper person before whom the appearance is to be made.

In a county that has implemented the provisions of Section 603.5 of the Welfare and Institutions Code, if the offense alleged to have been committed by a minor is classified as an infraction under this code, or is a violation of a local ordinance involving the driving, parking, or operation of a motor vehicle, the citation shall be issued as provided in subdivision (a), (b), or (c); provided, however, that if the citation combines an infraction and a misdemeanor, the place specified shall be as provided in subdivision (d).

If the place specified in the notice to appear is within a county where a department of the superior court is to hold a night session within a period of not more than 10 days after the arrest, the notice to appear shall contain, in addition to the above, a statement notifying the person arrested that the person may appear before ~~such~~ a night session of the court.

SEC. 88. Section 247 of the Welfare and Institutions Code is repealed.

SEC. 89. Section 258 of the Welfare and Institutions Code is amended to read:

258. (a) Upon a hearing conducted in accordance with Section 257, and upon either an admission by the minor of the commission of a violation charged, or a finding that the minor did in fact commit the violation, the judge, referee, or juvenile hearing officer may do any of the following:

(1) Reprimand the minor and take no further action.

(2) Direct that the probation officer undertake a program of supervision of the minor for a period not to exceed six months, in addition to or in place of the following orders.

(3) Order that the minor pay a fine up to the amount that an adult would pay for the same violation, unless the violation is otherwise specified within this section, in which case the fine shall not exceed two hundred fifty dollars (\$250). This fine may be levied in addition to or in place of the following orders and the court may waive any or all of this fine, if the minor is unable to pay.

1 In determining the minor's ability to pay, the court may not
2 consider the ability of the minor's family to pay.

3 (4) Subject to the minor's right to a restitution hearing, order
4 that the minor pay restitution to the victim, in lieu of all or a portion
5 of the fine specified in paragraph (3). The total dollar amount of
6 the fine, restitution, and any program fees ordered pursuant to
7 paragraph (9) may not exceed the maximum amount which may
8 be ordered pursuant to paragraph (3). ~~Nothing in this paragraph~~
9 ~~shall~~ *This paragraph may not* be construed to limit the right to
10 recover damages, less any amount actually paid in restitution, in
11 a civil action.

12 (5) Order that the driving privileges of the minor be suspended
13 or restricted as provided in the Vehicle Code or, notwithstanding
14 Section 13203 of the Vehicle Code or any other provision of law,
15 when the Vehicle Code does not provide for the suspension or
16 restriction of driving privileges, that, in addition to any other order,
17 the driving privileges of the minor be suspended or restricted for
18 a period of not to exceed 30 days.

19 (6) In the case of a traffic related offense, order the minor to
20 attend a licensed traffic school, or other court approved program
21 of traffic school instruction pursuant to Chapter 1.5 (commencing
22 with Section 11200) of Division 5 of the Vehicle Code, to be
23 completed by the juvenile within 60 days of the court order.

24 (7) Order that the minor produce satisfactory evidence that the
25 vehicle or its equipment has been made to conform with the
26 requirements of the Vehicle Code pursuant to Section 40150 of the
27 Vehicle Code if the violation involved an equipment violation.

28 (8) Order that the minor perform community service work in
29 a public entity or any private nonprofit entity, for not more than 50
30 hours over a period of 60 days, during times other than his or her
31 hours of school attendance or employment. Work performed
32 pursuant to this ~~subparagraph shall~~ *paragraph may* not exceed 30
33 hours during any 30-day period. The timeframes established by
34 this ~~subparagraph~~ *paragraph* may not be modified except in
35 unusual cases where the interests of justice would best be served.
36 When the order to work is made by a referee or a juvenile hearing
37 officer, it shall be approved by a judge of the juvenile court.

38 For the purposes of this ~~subparagraph~~ *paragraph*, a judge,
39 referee, or juvenile hearing officer may not, without the consent

1 of the minor, order the minor to perform work with a private
2 nonprofit entity that is affiliated with any religion.

3 (9) In the case of a misdemeanor, order that the minor
4 participate in and complete a counseling or educational program,
5 or, if the offense involved a violation of a controlled substance law,
6 a drug treatment program, if those programs are available. Any
7 fees for participation shall be subject to the right to a hearing as the
8 minor's ability to pay and may not, together with any fine or
9 restitution order, exceed the maximum amount that may be
10 ordered pursuant to paragraph (3).

11 (10) Require that the minor attend a school program without
12 unexcused absence.

13 (11) If the offense is a misdemeanor committed between 10
14 p.m. and 6 a.m., require that the minor be at his or her legal
15 residence at hours to be specified by the juvenile hearing officer
16 between the hours of 10 p.m. and 6 a.m., except for a medical or
17 other emergency, unless the minor is accompanied by his or her
18 parent, guardian, or other person in charge of the minor. The
19 maximum length of an order made pursuant to this paragraph shall
20 be six months from the effective date of the order.

21 (12) Make any or all of the following orders with respect to a
22 violation of the Fish and Game Code which is not charged as a
23 felony:

24 (A) That the fishing or hunting license involved be suspended
25 or restricted.

26 (B) That the minor work in a park or conservation area for a
27 total of not to exceed 20 hours over a period not to exceed 30 days,
28 during times other than his or her hours of school attendance or
29 employment.

30 (C) That the minor forfeit, pursuant to Section 12157 of the
31 Fish and Game Code, any device or apparatus designed to be, and
32 capable of being, used to take birds, mammals, fish, reptiles, or
33 amphibia and which was used in committing the violation charged.
34 The judge, referee, or juvenile hearing officer shall, if the minor
35 committed an offense which is punishable under Section 12008 of
36 the Fish and Game Code, order the device or apparatus forfeited
37 pursuant to Section 12157 of the Fish and Game Code.

38 (13) If the violation charged is of an ordinance of a city, county,
39 or local agency relating to loitering, curfew, or fare evasion on a
40 public transportation system, as defined by Section 99211 of the



Public Utilities Code, or is a violation of Section 640 or 640a of the Penal Code, make the order that the minor shall perform community service for a total time not to exceed 20 hours over a period not to exceed 30 days, during times other than his or her hours of school attendance or employment.

(b) The judge, referee, or juvenile hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 90. Section 654.1 of the Welfare and Institutions Code is amended to read:

654.1. (a) Notwithstanding Section 654 or any other provision of law, in any case in which a minor has been charged with a violation of Section 23140 or 23152 of the Vehicle Code, the probation officer may, in lieu of requesting that a petition be filed by the prosecuting attorney to declare the minor a ward of the court under Section 602, proceed in accordance with Section 654 and delineate a program of supervision for the minor. However, the probation officer shall cause the citation for a violation of Section 23140 or 23152 of the Vehicle Code to be heard and disposed of by the judge, referee, or juvenile hearing officer pursuant to Sections 257 and 258 as a condition of any program of supervision.

(b) This section may not be construed to prevent the probation officer from requesting the prosecuting attorney to file a petition to declare the minor a ward of the court under Section 602 for a violation of Section 23140 or 23152 of the Vehicle Code. However, if in the judgment of the probation officer, the interest of the minor and the community can be protected by adjudication of a violation of Section 23140 or 23152 of the Vehicle Code in accordance with subdivision (a), the probation officer shall proceed under subdivision (a).

~~SEC. 91. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000),~~

- 1 ~~reimbursement shall be made from the State Mandates Claims~~
- 2 ~~Fund.~~

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